

Sixth Appellate District

San Jose, California

TUESDAY, JANUARY 20, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Wunderlich, J.; Mihara, J.; and J. Michel Casique, Deputy Clerk.

H025237 MACDONALD v. ASPECT DEVELOPMENT, INC., et al.

Cause called and argued by Jeffrey E. Beeson appearing for Appellant and by Gregory C. Tenhoff appearing for Respondents. Cause ordered submitted.

Mihara, J. leaves the bench and Premo, J. takes the bench.

H023549 CITY OF SARATOGA v. LESTER F. HINZ, JR., as EXECUTOR, etc.

Cause called and argued by Paul Anthony Pelosi appearing for Appellant and by Michael R. Nave appearing for Respondent. Cause ordered submitted.

Wunderlich, J. leaves the bench and McAdams, J. takes the bench.

H024605 PEOPLE v. DEHART

Cause called and argued by Meredith Fahn appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025400 In re Marriage of POSKATCHEEVA

Cause called and argued by Jason A. Pollack appearing for Appellant and by Brian Beckwith appearing for Respondent. Cause ordered submitted.

Rushing, P.J. leaves the bench and Elia, J. takes the bench.

H025840 ABRAMSON v. JUNIPER NETWORKS, INC., et al.

Cause called and argued by Joseph C. Markowitz appearing for Appellant and by Marina C. Tsatalis appearing for Respondents. Cause ordered submitted. The Court recesses until 1:30 p.m.

H025890 PEOPLE v. HUYNH

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 20, 2004

Sixth Appellate District

San Jose, California

Tuesday, January 20, 2004 (Continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H023179 CONNOLLY v. JACKSON

Cause called and argued by Diane Jackson, appellant appearing in pro per, by respondent Rebecca Connolly, appearing in pro per, and by Sharon Hightower appearing for cross-defendant. Cause ordered submitted.

H025421 STARK v. LOCKHEED MARTIN CORPORATION

Cause called and argued by Jacques LeBoeuf appearing for Appellant and by Michael E. Wilbur appearing for Respondent. Cause ordered submitted. Court adjourns.

H025124 PEOPLE v. CAZAREZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 20, 2004

H025974 PEOPLE v. LEGGE

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 20, 2004

WEDNESDAY, JANUARY 21, 2004

H024901 PEOPLE v. MCGRATH

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 21, 2004

H024303 PEOPLE v. TAYLOR

The judgment of the trial court is reversed. (not published)
(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed January 21, 2004

Sixth Appellate District

San Jose, California

Wednesday, January 21, 2004 (continued)

H025798 LOZANO on Habeas Corpus

The trial court is ordered to strike the petty theft with a prior conviction, to prepare an amended abstract of judgment reflecting this modification and to forward a certified copy of the amended abstract to the Department of Corrections. (not published)

(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)

Filed January 21, 2004

THURSDAY, JANUARY 22, 2004

H022292 PEOPLE v. ATCHERLEY

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 22, 2004

*Before Rushing, P.J. and Wunderlich, J.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

H025936 HAMRAH v. PHAN, et al.

Cause called. Alfred S. Wright appeared for Appellant and Richard Wilson appeared for Respondents. Counsel waive argument and submit the matter on their briefs. Cause ordered submitted.

H025547 PEOPLE v. HICKS

Cause called and argued by Laoretta M. Oravitz-Komlos appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025128 ROMAN v. OLALIA, et al.

Cause called and argued by Frank O'Connell appearing for Appellant and by Mark G. Bonino appearing for Respondents. Cause ordered submitted.

H024698 C.H. REYNOLDS ELECTRIC, INC. v. SPEARS, et al.

Cause called and argued by Tony J. Tanke appearing for Appellant and by Risdien Ackerman appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, January 22, 2004 (continued)

H024934 PEOPLE v. CHAVEZ

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed January 22, 2004

H025393 SHAEGHI v. THE HOME DEPOT, et al.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed January 22, 2004

H025849 DEPT. OF ALCOHOL BEVERAGE CONTROL v. ALCOHOL BEVERAGE
CONTROL APPEALS BOARD; LORENZANO, et al.

The writ of review is discharged, and the Board's order is
confirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 22, 2004

H025790 In re ROBERT SINGER on Habeas Corpus

The trial court's order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed January 22, 2004

H025487 MARRIAGE OF BAYS

The order is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Wunderlich, J.)
Filed January 22, 2004

FRIDAY, JANUARY 23, 2004

H024464 CITY OF SAN JOSE v. MOVASSATE, et al.

By the Court*:

Respondent's petition for rehearing is denied.
Filed: January 23, 2004

*Rushing, P.J. and Premo, J. participated in this decision;
Bamattre-Manoukian, J is of the opinion that rehearing should be
granted.

H026160 PEOPLE v. PHAM

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 23, 2004

Sixth Appellate District

San Jose, California

Friday, January 23, 2004 (continued)

H024870 PEOPLE v. SARIK

The judgment is reversed, and the matter is remanded for further proceedings, including, a retrial of the section 12022.7 enhancement allegation if the district attorney elects to retry it. (not published)

(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed January 23, 2004